



Sen. Tim Bivins

**Filed: 4/2/2014**

09800SB2014sam001

LRB098 06499 JWD 58053 a

1 AMENDMENT TO SENATE BILL 2014

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2014 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Governmental Ethics Act is amended  
5 by changing Section 3A-40 as follows:

6 (5 ILCS 420/3A-40)

7 Sec. 3A-40. Appointees with expired terms; temporary and  
8 acting appointees.

9 (a) A person who is nominated by the Governor on or after  
10 August 26, 2011 (the effective date of Public Act 97-582) for  
11 any affected office to which appointment requires the advice  
12 and consent of the Senate, who is appointed pursuant to that  
13 advice and consent, and whose term of office expires on or  
14 after August 26, 2011 shall not continue in office longer than  
15 60 calendar days after the expiration of that term of office.  
16 After that 60th day, each such office is considered vacant and

1 shall be filled only pursuant to the law applicable to making  
2 appointments to that office, subject to the provisions of this  
3 Section.

4 A person who has been nominated by the Governor before  
5 August 26, 2011 (the effective date of Public Act 97-582) for  
6 any affected office to which appointment requires the advice  
7 and consent of the Senate, who has been appointed pursuant to  
8 that advice and consent, and whose term of office has expired  
9 shall not continue in office longer than 60 calendar days after  
10 the date upon which his or her term of office has expired.  
11 After that 60 days, each such office is considered vacant and  
12 shall be filled only pursuant to the law applicable to making  
13 appointments to that office, subject to the provisions of this  
14 Section. If the term of office of a person who is subject to  
15 this paragraph expires more than 60 calendar days prior to the  
16 effective date of this amendatory Act of the 97th General  
17 Assembly, then that office is considered vacant on the  
18 effective date of this amendatory Act of the 97th General  
19 Assembly, and that vacancy shall be filled only pursuant to the  
20 law applicable to making appointments to that office. For the  
21 purposes of this subsection (a), "affected office" means (i) an  
22 office in which one receives any form of compensation,  
23 including salary or per diem, but not including expense  
24 reimbursement, or (ii) membership on the board of trustees of a  
25 public university.

26 (b) A person who is appointed by the Governor on or after

1 August 26, 2011 (the effective date of Public Act 97-582) to  
2 serve as a temporary appointee, pursuant to Article V, Section  
3 9(b) of the Illinois Constitution or any other applicable  
4 statute, to any office to which appointment requires the advice  
5 and consent of the Senate shall not continue in office after  
6 the next meeting of the Senate unless the Governor has filed a  
7 message with the Secretary of the Senate nominating that person  
8 to fill that office on or before that meeting date. After that  
9 meeting date, each such office is considered vacant and shall  
10 be filled only pursuant to the law applicable to making  
11 appointments to that office, subject to the provisions of this  
12 Section.

13 A person who has been appointed by the Governor before  
14 August 26, 2011 (the effective date of Public Act 97-582) to  
15 serve as a temporary appointee, pursuant to Article V, Section  
16 9(b) of the Illinois Constitution or any other applicable  
17 statute, to any office to which appointment requires the advice  
18 and consent of the Senate shall not continue in office after  
19 August 26, 2011 or the next meeting of the Senate after August  
20 26, 2011, as applicable, unless the Governor has filed a  
21 message with the Secretary of the Senate nominating that person  
22 to fill that office on or before the next meeting of the Senate  
23 after that temporary appointment was made. After that effective  
24 date or meeting date, as applicable, each such office is  
25 considered vacant and shall be filled only pursuant to the law  
26 applicable to making appointments to that office, subject to

1 the provisions of this Section.

2 For the purposes of this subsection (b), a meeting of the  
3 Senate does not include a perfunctory session day as designated  
4 by the Senate under its rules.

5 (c) A person who is designated by the Governor on or after  
6 August 26, 2011 (the effective date of Public Act 97-582) to  
7 serve as an acting appointee to any office to which appointment  
8 requires the advice and consent of the Senate shall not  
9 continue in office more than 60 calendar days unless the  
10 Governor files a message with the Secretary of the Senate  
11 nominating that person to fill that office within that 60 days.  
12 After that 60 days, each such office is considered vacant and  
13 shall be filled only pursuant to the law applicable to making  
14 appointments to that office, subject to the provisions of this  
15 Section. No person who has been designated by the Governor to  
16 serve as an acting appointee to any office to which appointment  
17 requires the advice and consent of the Senate shall, except at  
18 the Senate's request, be designated again as an acting  
19 appointee for that office at the same session of that Senate,  
20 subject to the provisions of this Section.

21 A person who has been designated by the Governor before  
22 August 26, 2011 (the effective date of Public Act 97-582) to  
23 serve as an acting appointee to any office to which appointment  
24 requires the advice and consent of the Senate shall not  
25 continue in office longer than 60 calendar days after August  
26 26, 2011 unless the Governor has filed a message with the

1 Secretary of the Senate nominating that person to fill that  
2 office on or before that 60 days. After that 60 days, each such  
3 office is considered vacant and shall be filled only pursuant  
4 to the law applicable to making appointments to that office,  
5 subject to the provisions of this Section. No person who has  
6 been designated by the Governor to serve as an acting appointee  
7 to any office to which appointment requires the advice and  
8 consent of the Senate shall, except at the Senate's request, be  
9 designated again as an acting appointee for that office at the  
10 same session of that Senate, subject to the provisions of this  
11 Section.

12 During the term of a General Assembly, the Governor may not  
13 designate a person to serve as an acting appointee to any  
14 office to which appointment requires the advice and consent of  
15 the Senate if that person's nomination to serve as the  
16 appointee for the same office was rejected by the Senate of the  
17 same General Assembly.

18 For the purposes of this subsection (c), "acting appointee"  
19 means a person designated by the Governor to serve as an acting  
20 director or acting secretary pursuant to Section 5-605 of the  
21 Civil Administrative Code of Illinois. "Acting appointee" also  
22 means a person designated by the Governor pursuant to any other  
23 statute to serve as an acting holder of any office, to execute  
24 the duties and functions of any office, or both.

25 (c-5) The superseding of a message filed with the Secretary  
26 of the Senate by filing a later message, or the filing of a

1 message with the Secretary of the Senate appointing the same  
2 person to the same office and for a term ending on the same  
3 date as that of a message that was previously filed with the  
4 Secretary of the Senate and later withdrawn, shall not have the  
5 effect of restarting the 60 session day period within which the  
6 Senate must confirm or reject the appointee under Article V,  
7 Section 9(a) of the Illinois Constitution or any applicable  
8 law.

9 (d) The provisions of this Section apply notwithstanding  
10 any law to the contrary. However, the provisions of this  
11 Section do not apply to appointments made under Article 1A of  
12 the Election Code or to the appointment of any person to serve  
13 as Director of the Illinois Power Agency.

14 (Source: P.A. 97-582, eff. 8-26-11; 97-719, eff. 6-29-12.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."